



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: Region 8, Montana Office

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kelly Wolcott
Kelly's Auto Salvage & Wrecker Service
94268 US Highway 93,
Arlee, Montana 59821

Re: Inspection Report for Kelly's Auto Salvage and Wrecker Service, Unpermitted No.
MTU000718

Dear Mr. Wolcott:

On January 11, 2022, the U.S. Environmental Protection Agency (EPA) sent you a letter requesting information pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, particularly relating to controlling stormwater discharges, 40 C.F.R. § 122.26. Requested information was due by February 18, 2022. On February 16, 2022, Mr. Wolcott called asking for additional explanation of required information. On March 3, 2022, information Mr. Wolcott gathered in response to the information request was received. A review of the information indicated insufficient information was provided to adequately evaluate the potential for pollutant sources on-site, and a site visit was deemed necessary.

On August 23, 2022, representatives of the EPA and Confederated Salish & Kootenai Tribes conducted a reconnaissance evaluation of Kelly's Auto Salvage & Wrecker Service in Arlee, Montana, to evaluate compliance with the National Pollutant Discharge Elimination System (NPDES) regulations for stormwater discharges at 40 C.F.R. § 122.26. The evaluation was conducted under the authority of Section 308 of the Clean Water Act (Act). Enclosed is a report of the inspection.

Inspection findings are summarized within the enclosed inspection report in a table titled "Findings, Corrective Actions and Recommendations." Within **sixty (60) days** of receipt of this report, please provide the EPA with a summary of corrective actions taken to address each of the findings identified in the report and any information that may change the findings or content of the report. This summary should be sent to:

Lisa-kay Prideaux
U.S. EPA Region 8
Prideaux.Lisakay@epa.gov

Wilhelmina Keenan
CSKT Environmental Director
Willie.keenan@CSKT.org

Please contact me at 406-457-5022 or Prideaux.Lisakay@epa.gov if you have any questions regarding this letter or the enclosed report.

Sincerely,
Prideaux,
LisaKay

 Digitally signed by Prideaux,
LisaKay
Date: 2022.12.29 09:23:59
-07'00'

Lisa-kay Prideaux
NPDES and Wetlands Enforcement Section
Enforcement and Compliance Assurance Division

Enclosures:

- 1) NPDES Stormwater Industrial Reconnaissance Inspection Report
- 2) Photo Log
- 3) Fact Sheet-Sector M

cc (electronic):

The Honorable Tom McDonald, Chairman, CSKT (email)
Wilhelmina Keenan, Environmental Director, CSKT (email)
Evan Smith, Water Quality Regulatory Specialist, CSKT (email)

NPDES Reconnaissance Inspection Report

National Database Information		
Inspection Date: August 23, 2022	Inspection Type: Reconnaissance Inspection	
Entry/Exit Time: 12:44 / 14:00	NPDES ID Number: MTU000718	
NAICS Code: 423140 / SIC: 5015	Inspection ID: 202208 MTU000718	
Lead inspector and affiliation: Lisa-kay Prideaux, U.S. EPA Region 8, Montana Operations Office		
Inspector and affiliation: Evan Smith, Water Quality Regulatory Specialist, Confederated Salish & Kootenai Tribes		

Facility Location Information	
Site/Facility Name & Location: Kelly's Auto Salvage & Wrecker Service 94268 US Highway 93, Arlee, Montana 59821 47.148328°N; -114.055816°W	Mail Report to: Kelly Wolcott Kelly's Auto Salvage & Wrecker Service 94268 US Highway 93, Arlee, Montana 59821

Contact Information	
	Name(s)/Title
Facility Contacts:	Kelly Wolcott, Owner, Kelly Auto Salvage & Wrecker Service (present)
Person/Company meeting definition of "Operator"	Kelly Auto Salvage & Wrecker Service
Authorized Official(s)	Kelly Wolcott, Owner, Kelly Auto Salvage & Wrecker Service
Tribe Representative(s)	Evan Smith, Water Quality Regulatory Specialist, Confederated Salish & Kootenai Tribes (present)
Indian Health Service Representative(s)	None present

Permit Information		
Is the permit on site and available? Unpermitted facility	Discharge Category: Unpermitted facility	Monitoring Frequency: Unpermitted facility
Effective Date: Unpermitted facility	Expiration Date: Unpermitted facility	Is the Facility under a compliance schedule? N/A
Is correct contact information indicated on ICIS? yes		Indicate correct contact information: N/A
Receiving Water(s): Agency Creek		
Discharge point location (longitude, latitude): 47.148328°N; -114.055816°W		
Regulatory Inspector's source of information: Aerial imagery, EPA records, facility personnel, and site review.		

Areas Evaluated During Inspection		
<u>Permit</u>	<u>Effluent/Receiving Waters</u>	<u>Compliance Schedule</u>
<u>Records/Reports</u>	<u>Flow Measurement</u>	<u>Discharge Monitoring Reports</u>
<u>Facility Site Review</u>	<u>Monitoring Program</u>	<u>Lift Station Operation and Maintenance</u>
<u>Collection System Review</u>	<u>Lagoon Self- Inspections</u>	<u>Preventive and Emergency Operation and Maintenance</u>

Report Review and Signature		
Drafter Signature/Name	Address/Phone Number	Date
Prideaux, LisaKay Digitally signed by Prideaux, LisaKay Date: 2022.12.29 09:24:25 -07'00'	U.S. EPA Region 8, Montana Operations Office 10 West 15th Street, Suite 3200 Helena, Montana 59626	11/29 /2022
Lisa-kay Prideaux	406-457-5022	
Reviewer Name	Address/Phone Number	Date
	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	11/30/2022
Emilio Llamozas	303-312-6407	
Management Signature/Name	Address/Phone Number	Date
MICHAEL BOEGLIN Digitally signed by MICHAEL BOEGLIN Date: 2022.12.29 08:55:18 -07'00'	U.S. EPA Region 8 1595 Wynkoop Street 8ENF-W-NW Denver, Colorado 80202	12/29/2022
Michael Boeglin	303-312-6250	

Inspection Narrative and Site Description

Introduction and Background

On Tuesday, August 23, 2022, U.S. Environmental Protection Agency (EPA) inspector Lisa-kay Prideaux, and the Water Quality Regulatory Specialist for the Confederated Salish and Kootenai Tribes, Evan Smith, also a federally-credentialed inspector, conducted an unannounced inspection to evaluate compliance with the Clean Water Act and EPA regulations. The inspection commenced at approximately 12:44, when the inspectors arrived at the facility, presented credentials and identification, and asked to meet with the owner, Mr. Wolcott. We had an opening conference to explain the purpose of the inspection, which was to evaluate if the facility needed coverage under a stormwater industrial permit. At the time of the inspection, Kelly's Auto Salvage & Wrecker Service did not have coverage under the current Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities. I asked a series of questions to review material requested in the January 11, 2022, information request letter. Throughout the inspection, observations and photograph descriptions were documented in a field logbook. All photographs taken during the inspection are included in the attached photo log.

Mr. Wolcott stated there are two types of vehicles that come into the yard; those that are from the wrecker service and can be on-site undrained until owners come to claim them, or insurance companies have completed processing, and cars that are drained and are stored on-site for salvage sales. Mr. Wolcott stated the vehicles brought in through the wrecker service (currently 50 vehicles) are kept in the main area as you drive into the facility for ease of access and retrieval. He stated some wrecker service cars are never claimed and are then drained and moved to a yard for auto salvage. Mr. Wolcott walked us through two storage yards (east and north) where vehicles are stored. We started walking toward the East storage yard and walked by a building in which Mr. Wolcott stated draining and minor maintenance occurs. On the outside of the building are barrels of used oils and fluids from the cars waiting to be picked up for disposal (photo 636). The barrels are sitting on a wooden pallet; however no secondary containment was observed. We then walked through the east storage yard where Mr. Wolcott explained he is clearing this yard for potential sale (photos 637-641) as well as downsizing and becoming a classic vehicle only (vehicles older than 50 years) storage and refurbishing. Mr. Wolcott explained that a portion of this storage yard was the location of arson approximately 3 years ago, encompassing the loss of approximately 480 vehicles. Mr. Wolcott stated he recently had 820 vehicles hauled off the site for crushing, with approximately 700 vehicles remaining. Walking through the East yard, only a few minor spots of fluid spill were noted (photo 638). We also looked at many areas where vehicles had recently been removed and there was no evidence of fluid spills (photos 640 and 641). It was also noted the storage yard had a minimal slope and vegetation was maintained (photo 639). We then walked to the North storage yard where several vehicles were observed to have been recently removed, and minimal staining (photo 642). In the northwest corner of the north yard an old irrigation ditch was observed (photo 644) that Mr. Wolcott stated hasn't been used in many years. The irrigation ditch runs across the north end of the North storage yard and runs east to west. The irrigation ditch flows off the property through a field on an adjacent property (photo 643). We discussed potential best management practices (BMPs) for the control and treatment of stormwater from this area. In the southwest corner of the North storage lot, near the home, is a low spot where storm water can collect (photos 645 and 646). Mr. Wolcott stated several years ago he created a swale through his lawn to direct stormwater from the driveway to this low area (photo 647). The low spot continues beyond the property fence to the adjacent property to the west. We discussed potential BMPs for the control and treatment of stormwater from this area.

A closing conference was held on-site with Mr. Wolcott, during which I explained the process of this report as well as preliminary finding of facts: the facility is primarily engaged in industrial activity classified under SIC Code 5015 (Automobile Salvage Yard); because stormwater associated with this

activity has the potential to discharge to a surface water of the U.S., discharge of stormwater is regulated under the Clean Water Act, and applicable regulations found at 40 C.F.R. § 122.26; and discharge points of potential pollution, in the form of stormwater having come into contact with industrial activities, were observed during the inspection from three areas: the east end of the East storage yard (via sheet flow), the northwest corner of the North storage yard (via old irrigation ditch), and the southwest corner of the North storage yard (via swale and 'low spot'). Mr. Wolcott inquired if removing more vehicles and the business change to classic vehicle storage and refurbishing designation would change the requirement of permit coverage. I told Mr. Wolcott, I would check on the designation and provide an answer. If the facility is changed to a classic vehicle storage and refurbishing designation, it would still need coverage under a stormwater industrial permit. The inspection concluded at approximately 14:00.

Findings, Corrective Actions and Recommendations

Finding #1: The site did not have a stormwater industrial permit.

The Kelly's Auto Salvage & Wrecker Service has the potential to discharge stormwater from an industrial site designated with a primary Standard Industrial Classification (SIC) of 5015. Specifically, the facility has three areas in which pollutant-laden stormwater has the potential to leave the industrial site; the east end of the East storage yard (via sheet flow; photo 639), the northwest corner of the North storage yard (via old irrigation ditch; photo 644), and the southwest corner of the North storage yard (via swale and 'low spot'; photo 646).

Regulatory Requirement:

Federal regulations at 40 C.F.R. 122.26(b)(14) require stormwater discharges associated with specific categories of industrial activity to be covered under NPDES permits. Categories of facilities engaging in industrial activity include, among others, auto salvage yards operations such as the one observed at the site, which are required to be covered under the MSGP (40 C.F.R. 122.26(b)(14)(vi)).

Permit Requirement:

Part 1 of the MSGP states, "To be covered under this permit, you must meet all of the eligibility conditions and follow the requirements for obtaining permit coverage in Part 1."

Part 1.3.2 of the MSGP states, "To be covered under this permit, you must use EPA's NPDES eReporting Tool for the MSGP (NeT-MSGP) to electronically prepare and submit to EPA a complete and accurate NOI by the deadline applicable to your facility presented in Table 1-2. The NOI certifies to EPA that you are eligible for coverage according to Part 1.1 and provides information on your industrial activities and related discharges. Per Part 7.1, you must submit your NOI electronically via NeTMSGP, unless the applicable EPA Regional Office grants you a waiver from electronic reporting, in which case you may use the paper NOI form in Appendix G. To access NeT-MSGP, go to <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#accessingmsgp>".

For stormwater discharges to be authorized you must apply for coverage under the Multi-Sector General Permit ("MSGP") (see Attached Fact Sheet) and comply with all terms and conditions of the permit. Please be aware that as part of the application process for MSGP coverage you must first prepare a Stormwater Pollution Prevention Plan ("SWPPP").

Corrective Action:

Submit a notice of intent (NOI) to obtain permit coverage for the site under the MSGP. To obtain coverage under the MSGP visit: <https://www.epa.gov/npdes/stormwater-discharges-industrial-activities-eReporting>. Provide the EPA and the Confederated Salish & Kootenai Tribes with a description of the

corrective actions taken to address this finding. Provide the EPA and the Confederated Salish & Kootenai Tribes with a copy of the NOI. Please be aware that as part of the application process for MSGP coverage you must first prepare a Stormwater Pollution Prevention Plan (“SWPPP”).

Finding #2: The site did not have a Stormwater Pollution Prevention Plan.

The site did not have a Stormwater Pollution Prevention Plan (SWPPP). For information on SWPPP requirements see Part 6 (pages 55-64) of the MSGP: https://www.epa.gov/sites/default/files/2021-01/documents/2021_msgp_-_permit_parts_1-7.pdf

Permit Requirement:

Part 1.3.1 of the MSGP states, “You must develop a SWPPP or update your existing SWPPP per Part 6 prior to submitting your NOI for coverage under this permit, per Part 1.3.2 below.”

Part 6 of the MSGP states, “You must prepare a SWPPP for your facility before submitting your NOI for permit coverage. If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit prior to submitting your NOI. The SWPPP does not contain effluent limitations; such limitations are contained in Parts 2, 8, and 9 of the permit. The SWPPP is intended to document the selection, design, and installation of stormwater control measures to meet the permit's effluent limits. The SWPPP is a living document. Facilities must keep their SWPPP up-to-date throughout their permit coverage, such as making revisions and improvements to their stormwater management program based on new information and experiences with major storm events. As distinct from the SWPPP, the additional documentation requirements (see Part 6.5) are so that you document the implementation (including inspection, maintenance, monitoring, and corrective action) of the permit requirements.”

Corrective Action:

Develop a SWPPP for the site in accordance with Part 6 of the MSGP prior to submitting the NOI to be covered under the MSGP. Provide the EPA and the Confederated Salish & Kootenai Tribes with a description of the corrective actions taken to address this finding. Provide a copy of the SWPPP to the EPA and the Confederated Salish & Kootenai Tribes.